



Release Reporting Advisory Committee

**State and Federal Reporting
Models Workgroup
February 13, 2008**

Mission/Goal

- Review spill reporting requirements of other states and report back recommendations for CT regulatory development.



Review of Many States...

- Michigan
- Massachusetts
- Florida
- New Hampshire
- Pennsylvania
- New Jersey
- New York



Comparison of MA MCP and 1994 Proposed CT Rule

- Many basic elements missing from CT's 1994 proposed rule that could provide tremendous clarity
- This comparison may be a helpful roadmap for other sub-committees to evaluate
- MS Word document will be posted on CT Release Reporting Advisory Committee website....

Conclusions of the Model Rule Work Group

1. Massachusetts Contingency Plan (MCP) contains the most elements that are most attractive



- Think of the MA MCP as a highway with clearly defined on ramps and off ramps
- Scope of what CT's Release Reporting Advisory Committee is focusing on is mainly the "on ramps" right now
- CT may want to build its own "on ramps" & "off ramps" but take some "lessons learned" from MA since the MCP has been publicly vetted many times over the last 10 years.
- MCP can be found at:
<http://www.mass.gov/dep/cleanup/laws/regulati.htm>

Conclusions of the Model Rule Work Group (con't)

2. As the CT Release Reporting requirements are being amended, these requirement should explicitly reference other related release infrastructure which already exists in CT:

- RSRs
- Voluntary clean up program
- Others?

MA MCP Attractive Elements

- Purpose of the Regulation
- Applicability
- Effective Dates
- Key Definitions
- Rules for Timeframes/Deadlines
 - 2 hour, 72 hour & 120 day reporting
- Extensions of Deadlines and Time Periods for Force Majeure

MA MCP Attractive Elements (con't)

- Clearly Defined Role Of The Department And Other Parties
- Reporting Criteria Based On Both *Quantity* And *Concentration* Which Are *Risk Based*
- Extensive Scope Of Risk Based Exceptions
- Applicability To Pre-existing Conditions
- Preliminary Response Actions vs. Comprehensive Response Actions and Response Action Outcome Statements
- Concepts Of Responsible Party, Potentially Responsible Party, Utility Abatement Measures And Down Gradient Property Status

Release Reporting – MA Key Definitions

- What is a “release” vs. “a threat of a release?”
- What is “the environment?”
- What is “background?”
- What is “contain” and “containment?”
- What is “discharge” and “disposal site?”
- What is “hazardous waste” or “hazardous material”
- What is an “imminent hazard?”

Reportable Concentrations & Reportable Quantities

- The Current Massachusetts Oil and Hazardous Materials List (“MOHML”)
 - The Reportable Quantities (RQs) and Reportable Concentrations (RCs) for hundreds of chemicals. The RQs and RCs are used in combination with the notification requirements specified in [the Massachusetts Contingency Plan](#) to determine whether a release to the environment must be reported to MassDEP.
 - Online Searchable List
 - Alphabetical List
 - List by CAS number
- Important distinctions here may be worth further discussion. In particular, RCs generally apply to historical releases to the environment which are “discovered” whereas RQs generally refer to a sudden, continuous or intermittent release or threat of release.

Abbreviated Exceptions

- Releases of oil that occur during normal handling and transfer operations at an oil facility, if the releases are completely captured by a properly functioning oil/water separator
- Releases or threats of release of gasoline or diesel fuel that result from the rupture of the fuel tank of a passenger vehicle as a result of an accident involving that vehicle

Abbreviated Exceptions (con’t)

- Releases of oil and/or hazardous material that are discharged or emitted from an outfall, stack or other point source, or as fugitive emissions, any of which are regulated under and have received a valid permit, license, or approval, or which are operating under a valid registration, order or guideline issued under a federal or state statute or regulation, unless the release:
 - (a) exceeds the amount allowed by the permit, license, approval, registration, order or guideline; and
 - (b) represents an Imminent Hazard to health, safety, public welfare or the environment. This provision shall not relieve any person from any other duty to notify which may exist under any other statute or regulation, nor shall it in any way limit the authority of any other agency, political subdivision or authority of the federal or state government or of any office or division of the Department to enforce or otherwise carry out the duties assigned to it by law;

Abbreviated Exceptions (con't)

- Releases of methane, propane, and other component compounds associated with a release of natural gas, natural gas liquids and liquefied natural gas;
- Sheens:
 - (a) resulting from emissions or discharges from outboard motors in recreational use; or
 - (b) associated with normal surface water runoff from roadways, driveways, and parking lots;
- Releases of hazardous material indicated by residues in the environment:
 - (a) emanating from a point of original application of lead-based paint;
 - (b) resulting from emissions from the exhaust of an engine; or
 - (c) resulting from the application of pesticides in a manner consistent with their labeling;
- Releases of oil and/or hazardous material related to coal, coal ash, or wood ash, excluding wood ash resulting from the combustion of lumber or wood products that have been treated with chemical preservatives;

Abbreviated Exceptions (con't)

- Releases of oil or waste oil of less than a Reportable Quantity that result in a sheen on a surface water, provided that:
 - (a) federal officials receive notice of such release pursuant to the Federal Water Pollution Control Act as amended;
 - (b) a response occurs as directed by those federal officials and according to other federal, state or local requirements applicable to such a release and response;
 - (c) the sheen does not persist for more than 24 consecutive hours; and
 - (d) the sheen does not recur at the same location within any 30 day period

Finally....

- Whatever amendments are proposed for CT spill reporting and ultimately adopted, public education is a vital piece...

